

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MARIA A. PEÑA-CORNELIO

Plaintiff,

v.

AUDIO-VISUAL LANGUAGES OF P.R.,
INC., et al.,

Defendants.

CIVIL NO. 98-1957 (RLA)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

**ORDER SETTING DISCOVERY DEADLINES AND SCHEDULING
PRETRIAL/SETTLEMENT CONFERENCE AND TRIAL**

The Joint Initial Scheduling Memorandum submitted by the parties on August 31, 1999 (**docket No. 26**) is hereby APPROVED, subject to the modifications set forth below.¹

WRITTEN DISCOVERY

All WRITTEN DISCOVERY, i.e., interrogatories, requests for production of documents, requests for admissions, etc. shall be propounded **no later than December 15, 1999.**

AMENDMENT TO THE PLEADINGS

No further amendments to the pleadings shall be permitted.

¹ The Motions Submitting Payment of Sanctions filed by attorney José R. Franco on August 27, 1999 (**docket No. 25**) and by attorney Raúl E. Varandela-Velázquez on September 8, 1999 (**docket No. 27**) are hereby **NOTED.**

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DEPOSITIONS OF FACT WITNESSES

All DEPOSITIONS OF FACT WITNESSES, including the parties, shall be concluded **no later than December 31, 1999.**

EXPERT WITNESSES

A. Plaintiffs' Expert Witness(es)

The REPORT(s) of all expert witnesses plaintiff intends to utilize at trial shall be provided to defendants **no later than January 28, 2000.**

The DEPOSITION of plaintiff's expert witness(es) shall be taken **no later than February 29, 2000.**

B. Defendants' Expert Witness(es)

The REPORT(s) of all expert witnesses defendants intend to use at trial shall be provided to plaintiff **no later than March 10, 2000.**

The DEPOSITION(s) of defendants' expert witness(es) shall be taken **no later than April 10, 2000.**

The parties are admonished that all written expert reports shall include:

"[A] **complete statement** of all opinions to be expressed and the basis and **reasons therefor**; the data or other information considered by the

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1 witness in forming the opinions; any **exhibits** to
2 be used as a summary of or support for the
3 opinions; the **qualifications** of the witness,
4 including a list of all **publications** authored by
5 the witness within the preceding ten years; the
6 **compensation** to be paid for the study and
7 testimony; and a **listing of any other cases** in
8 which the witness has testified as an expert at
9 trial or by deposition within the preceding four
10 years." Rule 26(a)(2)(B) Fed. R. Civ. P.
11 (emphasis ours).
12
13
14

15 DISPOSITIVE MOTIONS

16 The deadline for submitting dispositive motions, if any, to
17 opposing counsel in accordance with the procedure set forth in the
18 STANDING ORDER - PROCEDURE FOR FILING DISPOSITIVE MOTIONS IN CIVIL
19 TRIALS ASSIGNED TO JUDGE RAYMOND L. ACOSTA, issued on May 19, 1998,
20 is **May 31, 2000**.
21

22 FAILURE TO COMPLY

23 Counsel are admonished that the failure to comply with the terms
24 of this Order may result in the imposition of sanctions upon the
25 party and/or counsel personally, including but not limited to the
26

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1 payment of reasonable expenses and/or the striking of claims,
2 defenses or witnesses.

3
4 **PRETRIAL AND TRIAL SETTINGS**

5 A JURY TRIAL in these proceedings shall commence on **August 8,**
6 **2000, at 9:30 a.m.**

7 A PRETRIAL/SETTLEMENT CONFERENCE is hereby scheduled for **August**
8 **2, 2000, at 2:30 p.m.** Counsel for the parties shall appear prepared
9 to discuss settlement negotiations in earnest with the necessary
10 authority from their respective clients.
11

12 **PRETRIAL ORDER**

13 A PROPOSED JOINT PRETRIAL ORDER shall be filed **on or before**
14 **July 27, 2000.**² Once approved by the Court, the Proposed Joint
15 Pretrial Order may be modified only upon a showing of good cause.
16

17 The PROPOSED JOINT PRETRIAL ORDER shall set forth the following:

18 **I. Nature of the Case**

19 A statement of the nature of the case agreed upon by
20 all parties. In the event that the parties cannot agree upon a
21 single description, separate versions shall be submitted.
22
23
24

25 ² A courtesy copy shall be delivered directly to the chambers
26 of the undersigned.

II. Theories of the Parties

Each party shall present concisely its pertinent legal theories including applicable citations to statutes and caselaw. Counsel are directed to fully disclose all trial issues since the Proposed Joint Pretrial Order will supersede the pleadings in establishing the issues to be heard and considered at trial.

III. Admitted Facts

The parties shall provide a comprehensive listing of all admitted or stipulated facts.

IV. Contested Facts

The parties shall provide a listing of contested facts.

V. List of Exhibits

This section shall contain a listing of all exhibits which have been pre-marked/numbered. Each exhibit shall be identified by a descriptive title as well as its identification number. The parties shall indicate which exhibits, if any, are not objected to by opposing counsel. An additional copy of all documents intended to be used at trial shall also be furnished

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1 to the undersigned in accordance with the STANDING ORDER FOR
2 CIVIL TRIALS issued by the undersigned on **February 10, 1994.**

3
4 **VI. Depositions**

5 The party wishing to use deposition testimony at
6 trial shall list the depositions. Additionally, designations
7 and objections shall be submitted in accordance with the
8 undersigned's STANDING ORDER FOR CIVIL TRIALS issued on **February**
9 **10, 1994.**

10
11 **VII. Witnesses**

12 Each party shall identify witnesses to be presented
13 at trial and include a brief, one paragraph, offer of proof.

14
15 **VIII. Expert Witnesses**

16 When applicable, each party shall list its expert
17 witness and include his/her curriculum vitae and an offer of
18 proof. If an expert report has been produced, THE REPORT SHALL
19 BE SUBMITTED IN CONJUNCTION WITH THE OFFER OF PROOF.

20
21 **IX. Itemized Statement of Special Damages**

22 In the event that the issue of special damages may
23 arise, an itemized statement of special damages shall be incorporated
24 into the Proposed Joint Pretrial Order. The party or parties not in
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1 agreement with the proposed statement shall include its/their
2 opposition in this section.

3
4 X. Estimated Length of Trial

5 Parties shall indicate the estimated length of trial.

6 Counsel are hereby admonished that the failure to comply with
7 any of the terms of this Order may result in the imposition of
8 sanctions upon them personally and/or dismissal of the action, as the
9 Court deems appropriate.
10

11 **STANDING ORDER**

12 The parties shall also file a TRIAL BRIEF³ no later than **August**
13 **4, 2000**, in accordance with the undersigned's STANDING ORDER FOR
14 CIVIL TRIALS issued on **February 10, 1994**. The parties shall make the
15 necessary arrangements with the courtroom deputy clerk to have the
16 evidence marked prior to trial.
17

18 IT IS SO ORDERED.

19 San Juan, Puerto Rico, this 15Th day of October, 1999.
20

21 

22 RAYMOND L. ACOSTA
23 United States District Judge
24

25 ³ Courtesy copy shall be delivered directly to the chambers of
26 the undersigned.

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SUMMARY OF DISCOVERY DEADLINES

12/15/99 Deadline for parties to propound written discovery

12/31/99 Deadline for fact witnesses depositions

1/28/00 Deadline for plaintiff's expert witness report

2/29/00 Deadline for deposition(s) of plaintiffs' expert
witness(es)

3/10/00 Deadline for defendant's expert witness report (s)

4/10/00 Deadline for deposition(s) of defendant's expert
witness(es)

5/31/00 Deadline for serving dispositive motions, if any, in
accordance with Standing Order

7/27/00 Deadline for filing of Joint Pretrial Order

8/2/00 PRETRIAL/SETTLEMENT CONFERENCE at 2:30 p.m.

8/4/00 Deadline for filing of Trial Briefs

8/8/00 JURY TRIAL at 9:30 a.m.

s/c: Lily